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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,405	09/10/2003	Thami Smires	A-8196. RNFMP/bh	2238

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EXAMINER
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MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,405	<b>Applicant(s)</b> SMIRES ET AL.	
	<b>Examiner</b> Susanna M. Diaz	<b>Art Unit</b> 3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This final Office action is responsive to Applicant's response filed October 4, 2007.

Claims 2-10 have been added.

Claims 1-10 are presented for examination.

#### ***Response to Declaration under 37 C.F.R. 131***

2. The declaration filed on October 4, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kim reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Kim reference. While the cited articles serve as evidence that most of the features of claim 1 were reduced to practice prior to Kim's earliest priority date of July 22, 2002, the cited articles do not disclose the claimed feature of "allowing the merchant associated with each of the point-of-sale terminal devices to...[alter] the transactions." As a matter of fact, the declaration under 37 C.F.R. 1.131 has referred to the limitation in question as stating, "allowing the merchant associated with each of the point of sale terminal devices to view their respective transactions as well as authoring the transactions." The word "authoring" is not claimed. While the Examiner agrees that the cited references used to establish reduction to practice explain that a merchant can view pending transactions, there is no mention of allowing the merchant to actually alter

the transactions via the website nor is such a feature deemed inherent to the CHARGE ANYwhere software, as disclosed in these articles.

Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official Notice made in the art rejection have been established as admitted prior art since Applicant has not traversed the Examiner's assertions of Official Notice. More specifically, the following statements of Official Notice are now formally established on record as admitted prior art:

Official Notice is taken that it is old and well-known in the art of communications to allow a merchant to communicate via a website. The use of the Internet and websites to communicate information reaps the benefit of relatively inexpensive, quick, and efficient global communications.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 2005/0071512 A1) in view of Hutchison et al. (US 2005/0102188 A1).

Kim discloses a system for controlling the processing of credit card and debit card transactions, between various types of point-of-sale terminal devices initiating the

Art Unit: 3692

transactions transmitted ultimately to a plurality of credit card processors through a plurality of gateway networks, comprising:

[Claim 1] a credit card server in communication with the plurality of gateways and the credit card processors, said credit card server receiving a credit card or debit card transaction request from the point-of-sale terminal devices through the plurality of gateway networks, said credit card server processing the transaction and sending the transaction to any of the credit processors (Kim (PG Pub): Figs. 1-3; ¶¶ 9, 18, 24, 25; Kim (Provisional Application No. 60/397,737): Figs. 1-3; Abstract; ¶¶ 4-7, 14, 15, 17, 20, 21);

a database connected to said credit card server for maintaining and reading information relating to the transactions and the point-of-sale terminal devices (Kim (PG Pub): ¶¶ 24-30 – The fact that the software automatically knows which data to gather and formats it according to the specific payment method selected means that the corresponding data fields and formatting information are stored in a database; i.e., a collection of data; Kim (Provisional Application No. 60/397,737): ¶¶ 15-22 -- The fact that the software automatically knows which data to gather and formats it according to the specific payment method selected means that the corresponding data fields and formatting information are stored in a database, i.e., a collection of data);

[Claim 6] wherein information included in the transaction is authenticated by said credit card server (¶¶ 24-31);

[Claim 9] a plurality of credit card processors in connection with said credit card server (¶¶ 24-31);

Art Unit: 3692

[Claim 10] wherein said credit card server is provided with a decision table used to decide which of said plurality of credit card processors would receive a particular transaction (¶¶ 24-31 – The API transmits the inputted information to the proper payment gateway, putting all information into the proper format for the respective payment gateway).

Regarding claim 1, Kim does not expressly teach that said credit card server communicating with the terminal devices indicates the disposition of each of the transactions; however, Hutchison processes payment transactions through payment gateways and sends a transaction settlement result back to the seller's computer (e.g., a point-of-sale terminal) (Fig. 35; ¶ 133). Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim such that said credit card server communicating with the terminal devices indicates the disposition of each of the transactions in order to clearly make the sellers/merchants aware of whether or not the user/customer is financially reputable and approved for a particular financial transaction, thereby protecting the sellers/merchants from fraudulent purchases (as suggested in ¶ 9 of Hutchison).

Regarding claims 1-3, Kim does not expressly disclose a transaction manager connected to said credit card server for managing a website allowing the merchant associated with each of the point-of-sale terminal devices to view their respective

Art Unit: 3692

transactions as well as altering the transactions (claim 1), wherein a display is associated with the point-of-sale terminal devices, allowing the merchants to view their respective transactions (claim 2) in real time (claim 3); however, Hutchison allows a seller to access transaction settlement reports via a Web browser (Figs. 33-35, 40; ¶¶ 46, 133, 138). The ability to view such reports more conveniently assists a seller in judging the current state of their business, which implies access to real time data (¶ 138). Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim to include a transaction manager connected to said credit card server for managing a website allowing the merchant associated with each of the point-of-sale terminal devices to view their respective transactions (claim 1), wherein a display is associated with the point-of-sale terminal devices, allowing the merchants to view their respective transactions (claim 2) in real time (claim 3), in order to more conveniently assist a seller/merchant in judging the current state of their business (as suggested in ¶ 138 of Hutchison), which is important when trying to maintain the financial health of a business at least at acceptable levels for the survival of a business. Additionally, while Hutchison does not expressly teach that the merchant can alter the transactions via a website, Hutchison does allow the sellers to access transaction reports via a Web browser (Figs. 33-35, 40; ¶¶ 46, 133, 138) and sellers can respond to charge disputes raised by sellers (¶ 134). The administrative computer used by a customer service representative to enter refund or

Art Unit: 3692

chargeback information agreed to by a seller can be entered via a Web browser (§ 134), i.e., the seller can alter the transaction. While Hutchison does not explicitly teach that the seller completes the alteration of transactions via a website, Hutchison's sellers access transaction information via a merchant website (Figs. 33-35, 40), thereby indicating that Hutchison envisions the use of a website to communicate information to a seller. Official Notice is taken that it is old and well-known in the art of communications to allow a merchant to communicate via a website [admitted prior art]. The use of the Internet and websites to communicate information reaps the benefit of relatively inexpensive, quick, and efficient global communications [admitted prior art]. Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim and the related Kim-Hutchison combination such that the transaction manager connected to said credit card server for managing a website allows the merchant associated with each of the point-of-sale terminal devices to alter the transactions in order to more conveniently assist a seller/merchant in judging the current state of their business (as suggested in § 138 of Hutchison) while promoting good customer service by allowing the merchant to quickly and efficiently respond to customer concerns related to financial transactions, all of which are important when trying to maintain the financial health of a business at least at acceptable levels for the survival of a business.



Regarding claims 4, 5, and 8, Kim does not expressly disclose the use of encryption or decryption; however, Hutchison encrypts and decrypts data via the seller server and gateway "for greater security" (¶¶ 72, 78). This concept is extremely old and well-known in the art of information security, thereby yielding predictable improvements in data security, which further supports Examiner's assertion that encryption and decryption of any type of important data is generally an obvious improvement over unencrypted data transmissions (see *KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007)). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim to encrypt and decrypt transmitted data, wherein at least one of the point-of-sale terminal devices encrypt information transmitted over said gateway networks (claim 4), said encrypted information is decrypted by said credit card server (claim 5), and said credit card server would encrypt at least a portion of the information included in the transactions prior to entering this information in said database (claim 8), in order to promote greater security of all transmitted information.

Regarding claim 7, Kim's payment gateways collect information regarding a credit card expiration date in order to process a transaction (¶¶ 26, 27, 31; Tables A and B). The payment processor processes the information to approve or deny the requested transaction (¶ 31). While Kim does not explicitly disclose that the credit card server denies a transaction if said information included in the transaction is incorrect, based upon date provided in said database, Official Notice is taken that it was old and well-known in the art of credit card transactions at the time of Applicant's invention to

deny a credit card transaction if a credit card is expired or if the inputted credit card expiration date is incorrect. These practices are performed for security purposes.

Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim such that the credit card server denies a transaction if said information included in the transaction is incorrect, based upon data provided in said database, in order to reduce the likelihood of fraudulent credit card transactions.

### ***Conclusion***

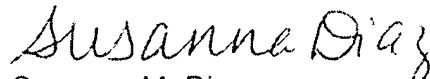
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz  
Primary Examiner  
Art Unit 3692

January 7, 2008